

### **REMARKS**

Claims 1-24 are pending in the application. It is gratefully acknowledged that Claims 2-5, 7-10, 14-17 and 19-22 have been objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims. The Examiner has objected to the drawings. The Examiner has objected to the Abstract. The Examiner has objected to the Specification. The Examiner has objected to Claims 1, 6, 11, 12, 13, 18, 23 and 24. The Examiner has rejected Claims 1, 6, 11-13, 18, 23 and 24 under 35 U.S.C. §103(a) as being unpatentable over Ue et al. (U.S. Patent 6,577,617) in view of Song (U.S. Publication 2005/0018754).

As an initial matter, the Examiner stated that a certified copy of the priority document KPA 2000-65054 has not been filed. After a review of our file, it has been determined that the priority documents were filed on December 13, 2001, as evidenced by the attached return postcard, stamped by the U.S. Patent and Trademark Office.

Regarding the objection to the drawings, the Examiner requested that FIG. 3 be labeled "Prior Art" as required under M.P.E.P. §608.02(g). FIG. 3 labeled "Prior Art" is attached hereto. Based on at least the foregoing, withdrawal of the objection to the drawings is respectfully requested.

Regarding the objections to the Abstract, the Examiner requested that "a UEs" be changed to "UEs", and that "initilly" be changed to "initially". The Abstract has been amended herein to conform with the Examiner's suggestions. Based on at least the foregoing, withdrawal of the objection to the Abstract is respectfully requested.

Regarding the objection to the Specification, the Examiner stated that "NB-TDD CDMA (Narrow Band Time Division Multiplexing Code Division Multiple Access)" on page 1, lines 15-16 should be amended to read "NB-TDD CDMA (Narrow Band Time Division Duplexing Code Division Multiple Access)". The Specification has been amended herein to conform with the

Examiner's suggestions. Based on at least the foregoing, withdrawal of the objection to the Specification is respectfully requested.

Regarding the objections to Claims 1, 6, 11, 12, 13, 18, 23 and 24, the claims have been amended to replace "TDD (Time Division Multiplexing)" with "TDD (Time Division Duplexing)". Amended Claims 1, 6, 11, 12, 13, 18, 23 and 24 are set forth herein. Based on at least the foregoing, withdrawal of the objection to the to Claims 1, 6, 11, 12, 13, 18, 23 and 24 is respectfully requested.

Regarding the rejections of independent Claims 1, 6, 11, 12, 13, 18, 23 and 24 under §103(a), the Examiner states that Ue et al. in view of Song renders the claims unpatentable. Ue et al. discloses a communication terminal apparatus, base station communication apparatus and radio communication method; Song discloses pilot signals for synchronization and/or channel estimation. Each of Claims 1, 6, 13 and 18 recite either an apparatus (i.e. a controller) or a method for "randomly assigning time slots for transmitting the user data part in the sub-frames, based on a time slot number initially assigned for the user data part, a sub-frame number at a transmission point of the user data part, and the number of assigned uplink time slots in the corresponding sub-frame", and each of Claims 11, 12, 23 and 24 recite either an apparatus (i.e. a controller) or a method for "determining reception sub-frame time slots in association with the randomly assigned sub-frame time slots, based on a time slot number initially assigned at a reception point of the downlink signal and a sub-frame number at the reception point". The Examiner relies on Ue et al. for disclosing these elements. Ue et al. at col. 3, lines 36-39 merely states, "Transmission/reception slot control section 112 controls the timing of transmission/reception slots between receiver 100 above, transmitter 107 above and other users." Ue et al. does not disclose that the time slots for transmitting the user data part in the sub-frames are randomly assigned, nor does Ue et al. disclose upon which parameters the random assignment is based. Similarly, Ue et al. does not disclose determining reception sub-frame time slots in association with the randomly assigned sub-frame time slots that the time slots, nor does Ue et al. disclose upon which parameters the random assignment is based. Song does not cure

these deficiencies. Based on at least the foregoing, withdrawal of the rejections of independent Claims 1, 6, 11, 12, 13, 18, 23 and 24 under §103(a) is respectfully requested.

Independent Claims 1, 6, 11, 12, 13, 18, 23 and 24 are believed to be in condition for allowance. Without conceding the patentability per se of dependent Claims 2-5, 7-10, 14-17 and 19-22, these are likewise believed to be allowable by virtue of their dependence on their respective amended independent claims. Accordingly, reconsideration and withdrawal of the rejections of dependent Claims 2-5, 7-10, 14-17 and 19-22 is respectfully requested.

Accordingly, all of the claims pending in the Application, namely, Claims 1-24, are believed to be in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicants' attorney at the number given below.

Respectfully submitted,



Paul J. Farrell  
Reg. No. 33,494  
Attorney for Applicant

DILWORTH & BARRESE  
333 Earle Ovington Blvd.  
Uniondale, New York 11553  
Tel: (516) 228-8484  
Fax: (516) 228-8516

PJF/MJM/dr